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7 BOARD OF ADMINISTRATION OF THE
WATER AND POWER EMPLOYEES'
8 RETIREMENT PLAN

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
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12 WILLIAM A. NIESE, et al.;
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14 Plaintiff,
15 v.
16 FIRST REPUBLIC BANK, et al.,
17 Defendants
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NO. CV 11 07577 PSG-PLA

NOTICE OF APPEARANCE OF
DEFENDANT BOARD OF
ADMINISTRATION OF THE
WATER AND POWER
EMPLOYEES' RETIREMENT
PLAN

Judge: Hon. Philip S. Gutierrez
Courtroom: 880 - Roybal

A/74678881.1/4012492-0000353313

APPEARANCE

Defendant Board of Administration of the Water and Power Employees' Retirement Plan ("Board of Administration") -- incorrectly named in this action as the "Water and Power Employees' Ret.," and as the "Los Angeles Dep. of Water and Power Employee RET-T Rowe Price LG VAL-Disability & Death Benefit Insurance Plan" -- hereby enters its appearance in the above-titled action. The Board of Administration hereby requests that all further papers, pleadings, notices and orders in the above titled action be served upon its counsel electronically or at the physical address set forth herein. This appearance is without prejudice to any defenses or positions that the Board of Administration may have, including defenses based upon insufficient service of process and/or lack of personal jurisdiction.

DATED: January 10, 2012

Bingham McCutchen LLP

By: /s/ Jonathan Loeb

Jonathan A. Loeb

Attorneys for Defendant

BOARD OF ADMINISTRATION OF
THE WATER AND POWER
EMPLOYEES' RETIREMENT PLAN

PROOF OF SERVICE

I am over eighteen years of age, not a party in this action, and employed in Los Angeles County, California at The Water Garden, Fourth Floor, North Tower, 1620 26th Street, Santa Monica, California 90404-4060. I am readily familiar with the practice of this office for collection and processing of correspondence for mail/fax/hand delivery/next business day FedEx delivery, and they are deposited that same day in the ordinary course of business.

On January 10, 2012, I served the attached:

**NOTICE OF APPEARANCE OF DEFENDANT BOARD OF
ADMINISTRATION OF THE WATER AND POWER
EMPLOYEES' RETIREMENT PLAN**

- ☒ (BY COURT'S NEF) by causing a true and correct copy of the above document(s) to be electronically filed and a Notice of Electronic Filing automatically generated by the court's CM/ECF system and sent by e-mail to attorneys in the case who are registered as CM/ECF users and have consented to electronic service.
- ☐ (VIA EMAIL) by transmitting a true and correct copy via email the document(s) listed above on this date before 6:00 p.m. PST to the person(s) at the email address(es) set forth below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on January 10, 2012, at Santa Monica, California.

/s/ Cheryle Appling
Cheryle Appling